THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.22131 OF 2005

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Between:

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DrB.V.S.V.Vara Prasad.

.. Petitioner

The Secretary.

.. Respondent

.. Respondent

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.22131 OF 2005

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ORDER:

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The petitioner was engaged as a Health Supervisor by the respondent herein and was posted at a Residential School in Duppalavalasa of Srikakulam District. On 04.08.2005, a student in the Residential School died. The Deputy Secretary, Zone-I, visited the institution and he is said to have conducted an enquiry. Through notice, dated 23.09.2005, the respondent terminated the contract of the petitioner with immediate effect. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent.

The appointment of the petitioner is on contractual basis. The contract that is executed between the petitioner and the respondent, provides for termination thereof, without any notice. As long as the termination is simplicitor and not on the basis of any accusation, the power of the respondent to terminate the contract cannot be found fault with. However, where the termination is on the basis of an allegation of accusation, the affected person is required to be put on notice. In fact, as regards the same incident, the respondent itself had issued a show-cause notice on 23.09.2005 to one P.Tirupathi Rao, who is also said to have been engaged on contract basis. For the reasons best known to them, the first respondent did not adopt the same course of action in the case of the petitioner.

On this short ground, the writ petition is allowed and the impugned order, dated 23.09.2005, is set aside. It is, however, left open to the respondent to proceed against the petitioner, after issuing notice and taking explanation into account. This exercise shall be completed within four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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28.10.2005

Note: Issue C.C. in three days.

(B/o)

kdl

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